

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF TEXAS (SHERMAN DIVISION)

3 UNITED STATES OF AMERICA,

4 Plaintiff,

Case No. 4:20-cr-00179-SDJ-KPJ-5, 17, 23, 37

5 v.

6 YANIRA YVETTE GONZALEZ, HECTOR
ALONZO, SERGIO LUIS TEJEDA
7 NUNEZ, and JOSE FERNANDO
HERNANDEZ PERALES,

8 Defendants.

9 -----
10 UNITED STATES OF AMERICA,

11 Plaintiff,

Case No. 4:20-cr-00267-MJT-1

12 v.

Plano, Texas
November 28, 2023
10:08 a.m.

13 ENRIQUE ALEJANDRO PONCE
VAIDES,

14 Defendant.

15

16 TRANSCRIPT OF CHANGE OF PLEA HEARING
17 BEFORE THE HONORABLE KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE

18 APPEARANCES:

19 For the Plaintiff:

Lesley Brooks, Esq.
U.S. Attorney's Office
600 East Taylor
Suite 2000
Sherman, TX 75090

20
21 For the Defendant:
(Gonzalez)

Roger E. Haynes, Esq.
for Philip Linder, Esq.
Barrett Bright Lassiter Linder
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Dallas, TX 75219

1 APPEARANCES (continued) :

2 For the Defendant: Katherine L. Reed, Esq.
(Alonzo) Udashen Anton
3 8150 N. Central Expressway
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5 For the Defendant: Unknown
(Vaides)

6 For the Defendant: Unknown
(Perales)

7 For the Defendant: Unknown
(Nunez)

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24 Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

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1 (Call to order at 10:08 a.m.)

2 THE COURT: If you'll stand in the order that I call
3 your case and then the fifth case can please stand at the
4 podium with counsel.

5 420-CR-179, those are the four -- first four cases,
6 United States v. Yanira Yvette Gonzalez, Hector Alonzo, Sergio
7 Luis Tejeda Nunez, and Jose Fernando Hernandez Perales. And
8 then 420-CR-267, United States v. Enrique Alejandro Ponce
9 Vaides.

10 MS. BROOKS: Lesley Brooks for the Government on
11 these cases.

12 MR. HAYNES: Mr. Haynes for Ms. Gonzalez.

13 THE COURT: Good morning.

14 MR. HAYNES: Your Honor, for the record, I'm standing
15 for Philip Linder.

16 (Counsel confers with the Clerk)

17 THE COURT: Ma'am, sirs, please raise your right to
18 be sworn.

19 (The Defendants are sworn)

20 THE COURT: All right, we're here this morning for
21 your change of plea hearing. I'll ask you a series of
22 questions. If you'll please answer my questions one at a time
23 and in the order that I called your case.

24 Please state your full name and age for the record?

25 MS. GONZALEZ (through interpreter): Yanira Yvette

1 Gonzalez, 26 years old.

2 MR. ALONZO: Hector Alonzo, 45.

3 MR. VAIDES (through interpreter): Enrico Alejandro
4 Ponce Vaides, 32 years old.

5 MR. PERALES (through interpreter): Jose Fernando
6 Perales, 59 years old.

7 MR. NUNEZ (through interpreter): Sergio Luis Tejeda
8 Nunez, 42 years old.

9 THE COURT: What is the last grade of school that
10 you've completed?

11 MS. GONZALEZ: 9th grade.

12 MR. ALONZO: One year college.

13 MR. VAIDES: Senior high.

14 MR. PERALES: 9th.

15 MR. NUNEZ: High school.

16 THE COURT: Have you ever been diagnosed with any
17 mental illness or problem?

18 MS. GONZALEZ: No.

19 MR. ALONZO: No.

20 MR. VAIDES: No.

21 MR. PERALES: No.

22 MR. NUNEZ: No, Your Honor.

23 THE COURT: Are you currently under the influence of
24 any drugs or alcohol?

25 MS. GONZALEZ: No.

1 MR. ALONZO: No.

2 MR. VAIDES: No.

3 MR. PERALES: No.

4 MR. NUNEZ: No, Your Honor.

5 THE COURT: Counsel, do you believe that your client
6 is competent to proceed here today?

7 MR. HAYNES: Yes, Your Honor.

8 MS. REED: Yes, Your Honor.

9 UNIDENTIFIED SPEAKER: Yes, Your Honor.

10 UNIDENTIFIED SPEAKER: Yes, Your Honor.

11 THE COURT: Counsel, do you believe your client is
12 competent to proceed here today?

13 UNIDENTIFIED SPEAKER: Yes, Your Honor.

14 THE COURT: Each of you have the right to have your
15 plea taken by the district judge that's assigned to your case
16 or you can have me, a United States magistrate judge, take your
17 plea and make a recommendation to the district court.

18 Ms. Cox (phonetic), do we have waiver and consent
19 forms?

20 THE COURT: I've received waiver and consent forms to
21 proceed before me with your entry of guilty plea. Can you
22 confirm for the record that you signed your waiver and consent
23 form? It's this form right here.

24 MS. GONZALEZ: Yes.

25 MR. ALONZO: Yes, ma'am.

1 MR. VAIDES: Yes.

2 MR. PERALES: Yes.

3 MR. NUNEZ: Yes, Your Honor.

4 THE COURT: Did you review that document with your
5 attorney before you signed it?

6 MS. GONZALEZ: Yes.

7 MR. ALONZO: Yes.

8 MR. VAIDES: Yes.

9 MR. PERALES: Yes.

10 MR. NUNEZ: Yes, Your Honor.

11 THE COURT: I find the waiver and consent has been
12 knowingly and voluntarily given. Each of you have been charged
13 with violations of federal criminal law in an underlying
14 indictment. Have you received a copy of your indictment?

15 MS. GONZALEZ: Yes.

16 MR. ALONZO: Yes.

17 MR. VAIDES: Yes.

18 MR. PERALES: Yes.

19 MR. NUNEZ: Yes, Your Honor.

20 THE COURT: Each of you have the right to have your
21 indictment read aloud at this time or you may waive that right.
22 What would you like to do?

23 MS. GONZALEZ: Waive it.

24 MR. ALONZO: Waived.

25 MR. VAIDES: I waive.

1 MR. PERALES: I waive.

2 MR. NUNEZ: Yes.

3 THE COURT: You want to waive it? Waive the reading?

4 MR. NUNEZ: Yes.

5 THE COURT: Okay, do each of you understand the
6 nature of the charges that are alleged against you?

7 MS. GONZALEZ: Yes.

8 MR. ALONZO: Yes, ma'am.

9 MR. VAIDES: Yes.

10 MR. PERALES: Yes.

11 MR. NUNEZ: Yes, Your Honor.

12 THE COURT: Mr. --

13 UNIDENTIFIED SPEAKER: Your Honor for --

14 THE COURT: Yeah, I'm getting ready to address that.

15 Mr. Perales, it's my understanding you're pleading guilty to an
16 Information.

17 I have a waiver of indictment form that's been signed
18 by you that advises you that while you have the right to
19 proceed of way of indictment, which means that a grand jury has
20 considered your case, you may waive that right and proceed by
21 way of Information. Is that what you'd like to do?

22 MR. PERALES: Yes.

23 THE COURT: Okay, I find the waiver of indictment has
24 been given. Have each of you had sufficient time to review and
25 discuss your case with your attorney?

1 MS. GONZALEZ: Yes.

2 MR. ALONZO: Yes, ma'am, I have.

3 MR. VAIDES: Yes.

4 MR. PERALES: Yes.

5 THE COURT: Have you had sufficient time to review
6 and discuss your case with your attorney?

7 MR. PERALES: Yes.

8 MR. NUNEZ: Yes, Your Honor.

9 THE COURT: Are you satisfied with the advice and
10 representation that you've been given?

11 MS. GONZALEZ: Yes.

12 MR. ALONZO: Yes, ma'am.

13 MR. VAIDES: Yes.

14 MR. PERALES: Yes.

15 MR. NUNEZ: Yes, Your Honor.

16 THE COURT: At this time, I'll ask the Assistant
17 United States Attorney to advise each of you of the elements of
18 the offense that you're pleading guilty to. These are the
19 elements that the Government would be required to prove beyond
20 a reasonable doubt to establish your guilt if you were to go to
21 trial.

22 MS. BROOKS: Your Honor, for Ms. Gonzalez, Mr.
23 Alonzo, Mr. Nunez, and even Mr. Perales, the elements are the
24 same. The difference is going to be drug. And when that's
25 required to be described, I will.

1 The essential elements for a violation of 21 USC
2 §846, conspiracy to possess with intent to distribute or
3 distribution of controlled substances are the following.

4 That the Defendant and one or more persons directly
5 or indirectly reached an agreement to commit the crime charged
6 in the Second Superseding Indictment. For Mr. Perales, that's
7 the information. That is to possess with intent to distribute
8 and distribution of controlled substances.

9 That the Defendant knew of the unlawful purpose of
10 the agreement. That the Defendant joined the agreement
11 willfully, that is with the intent to further its unlawful
12 purpose.

13 For Ms. Gonzalez and for -- let's just do Ms.
14 Gonzalez, that she's agreeing that the overall scope of the
15 conspiracy involved a combined drug quantity of a mixture or
16 substance containing a detectable amount of marijuana and one
17 kilogram or more of heroin.

18 For Mr. Alonzo, that the overall scope of the
19 conspiracy involved 5 kilograms or more of a mixture or
20 substance containing a detectable amount of cocaine and 1
21 kilogram or more of a mixture or substance containing a
22 detectable amount of heroin.

23 For Mr. Nunez, he's also in the same boat as Mr.
24 Alonzo. That's involving 5 kilograms or more of a mixture or
25 substance containable a detectable amount of cocaine and 1

1 kilogram or more of a mixture or substance containing a
2 detectable amount of heroin.

3 For Mr. Perales, that the overall scope of the
4 conspiracy involved a mixture or substance containing a
5 detectable amount of marijuana.

6 And then for Mr. -- well, I'll leave it as separate
7 if that's okay.

8 For these four, the final element is that you knew or
9 reasonably should have known that the scope of the conspiracy
10 involved a combined drug quantity of the same amounts I've just
11 said. So, again, for Ms. Gonzalez, a detectable amount of
12 marijuana and 1 kilogram or more of heroin.

13 For Mr. Alonzo and Mr. Nunez, that you should have
14 known that the conspiracy involved 5 kilograms or more of a
15 mixture or substance containing a detectable amount of cocaine
16 and 1 kilogram or more of a mixture or substance containing a
17 detectable amount of heroin.

18 For Mr. Perales, that you knew or reasonably should
19 have known that the scope of the conspiracy involved a mixture
20 or substance containing a detectable amount of marijuana.

21 For Mr. Ponce, the elements for your offense are
22 different because you are charged with a different crime.

23 For a violation of 21 USC §963, conspiracy to
24 manufacture and distribute cocaine intending knowing and with
25 reasonable cause to believe that the cocaine will be unlawfully

1 imported into the United States.

2 The essential elements are the following. That you
3 and one or more persons directly or indirectly reached an
4 agreement to commit the crime charged in the indictment.

5 That is, to manufacture and distribute cocaine
6 intending, knowing, and with reasonable cause to believe that
7 the cocaine will be unlawfully imported into the United States,
8 that you knew of the unlawful purpose of the agreement, that
9 you joined in the agreement willfully, that is with the intent
10 to further it's unlawful purpose, that the overall scope of the
11 conspiracy involved 5 kilograms or more of a mixture or
12 substance containing a detectable amount of cocaine, and that
13 you knew or reasonable should have known that the scope of the
14 conspiracy involved at least 5 kilograms or more of a mixture
15 or substance containing a detectable amount of cocaine.

16 THE COURT: Thank you.

17 Do each of you understand the essential elements set
18 forth for your case?

19 MR. ALONZO: Yes, I do.

20 MS. GONZALEZ: Yes.

21 MR. VAIDES: Yes.

22 MR. PERALES: Yes.

23 MR. NUNEZ: Yes, Your Honor.

24 THE COURT: Do you admit that you committed each one
25 of those elements?

1 MS. GONZALEZ: Yes.

2 MR. ALONZO: Yes, ma'am.

3 MR. VAIDES: Yes.

4 MR. PERALES: Yes.

5 MR. NUNEZ: Yes, Your Honor.

6 THE COURT: I've received plea documents in each of
7 your cases consisting of a plea agreement, a plea agreement
8 addendum, and a factual basis. Can you confirm for the record
9 that you signed each one of your plea documents?

10 MS. GONZALEZ: Yes.

11 MR. ALONZO: Yes, I did.

12 MR. VAIDES: Yes.

13 MR. PERALES: Yes.

14 MR. NUNEZ: Yes, Your Honor.

15 THE COURT: Did you review each one of those plea
16 documents with your attorney before you signed them?

17 MS. GONZALEZ: Yes.

18 MR. ALONZO: Yes, ma'am.

19 MR. VAIDES: Yes.

20 MR. PERALES: Yes.

21 MR. NUNEZ: Yes, Your Honor.

22 THE COURT: At this time, I'll review some of the
23 paragraphs that are contained in your plea agreement starting
24 with paragraph 1 entitled "Rights of the Defendant".

25 This paragraph lists constitutional rights that you

1 have to plead not guilty, to have a trial by a jury, to have
2 your guilt proved beyond a reasonable doubt, to confront and
3 cross-examine witnesses and call witnesses in your defense, and
4 to not be compelled to testify against yourself.

5 Do you understand that you have these constitutional
6 rights?

7 MS. GONZALEZ: Yes.

8 MR. ALONZO: Yes, ma'am.

9 MR. VAIDES: Yes.

10 MR. PERALES: Yes.

11 MR. NUNEZ: Yes, Your Honor.

12 THE COURT: Paragraph 2 states that if you plead
13 guilty in this case, you will waive those constitutional
14 rights. Do you understand that?

15 MS. GONZALEZ: Yes.

16 MR. ALONZO: Yes, I do.

17 MR. VAIDES: Yes.

18 MR. PERALES: Yes.

19 MR. NUNEZ: Yes, Your Honor.

20 THE COURT: Paragraph 3 lists the statutory penalties
21 that can be imposed in your case. They are the same for every
22 one with the exception of Mr. Perales.

23 So for each of you except Mr. Perales, the statutory
24 penalties are not less than 10 years and not more than life
25 imprisonment, a fine not to exceed \$10,000,000 or both

1 imprisonment and a fine, Supervised Release of at least 5
2 years, and a mandatory special assessment of \$100.

3 Mr. Perales, for your case, the statutory penalties
4 are if 1,000 kilograms or more of a mixture or substance
5 containing marijuana, not less than 10 years or more than life,
6 a fine not to exceed \$10,000,000 or both imprisonment and a
7 fine, and Supervised Release of at least 5 years.

8 If 100 kilograms or more of a mixture containing
9 marijuana, imprisonment for not less than 5 years and not more
10 than 40 years, a fine not to exceed \$5,000,000, and Supervised
11 Release of at least 4 years.

12 If 50 kilograms or more of a mixture containing
13 marijuana, imprisonment for not more than 20 years, a fine not
14 to exceed \$1,000,000, and Supervised Release of at least 3
15 years.

16 If less than 50 kilograms of a mixture containing
17 marijuana, imprisonment for not more than 5 years, a fine not
18 to exceed \$250,000 and Supervised Release of at least 2 years.
19 There's also a \$100 special assessment.

20 Do each of you understand the statutory penalties
21 that can be imposed in your case?

22 MS. GONZALEZ: Yes.

23 MR. ALONZO: Yes, ma'am.

24 MR. VAIDES: Yes.

25 MR. PERALES: Yes.

1 MR. NUNEZ: Yes, Your Honor.

2 THE COURT: For paragraph 4 for Ms. Gonzalez, Mr.
3 Perales, and Mr. Nunez, discusses the Sentencing Guidelines,
4 but I'll ask each of you, have you had an opportunity to review
5 the applicable Guidelines provisions and range in your case
6 with your attorney?

7 MS. GONZALEZ: Yes.

8 THE COURT: No I do need to you to still answer that
9 question, Mr. Alonzo. The United States Sentencing Guidelines,
10 have you had an opportunity to review those Guidelines as they
11 apply to your case with your attorney?

12 MR. ALONZO: Yes, ma'am, I did.

13 MR. VAIDES: Yes.

14 MR. PERALES: Yes.

15 MR. NUNEZ: Yes, Your Honor.

16 THE COURT: Do each of you understand that while the
17 Court will also refer to those Guidelines in determining your
18 sentence, the Guidelines are not binding on the Court?

19 MS. GONZALEZ: Yes.

20 THE COURT: Mr. Alonzo?

21 MR. ALONZO: Yes, ma'am.

22 MR. VAIDES: Yes.

23 MR. PERALES: Yes.

24 MR. NUNEZ: Yes, Your Honor.

25 THE COURT: Paragraph 5 for Ms. Gonzalez, Mr.

1 Perales, and Mr. Nunez entitled "Guideline Stipulations" list
2 certain Guidelines provisions that you and the Government agree
3 should apply in your case.

4 Do you understand that the Court is not bound by
5 these stipulations?

6 MS. GONZALEZ: Yes.

7 MR. ALONZO: Yes, ma'am.

8 THE COURT: This is not you, Mr. Alonzo. This only
9 applies to Mr. Perales and Mr. Nunez.

10 MR. ALONZO: Yes.

11 MR. PERALES: Yes.

12 MR. NUNEZ: Yes, Your Honor.

13 THE COURT: So in determining your sentence, if the
14 Court applies a different Guideline provision, do you
15 understand that you'll still be bound by this plea agreement?

16 MR. VAIDES: Yes.

17 MR. PERALES: Yes.

18 MR. NUNEZ: Yes, Your Honor.

19 THE COURT: All right, so for Mr. Alonzo and Mr.
20 Vaides, your paragraph 4 states that your plea agreement is
21 made pursuant to Federal Rule of Criminal Procedure
22 11(c)(1)(C).

23 That means that you and the Government agree that a
24 specific sentence is appropriate in your case.

25 The agreed upon sentence for you, Mr. Alonzo, is set

1 forth in subparagraphs (a) through (e) and is as follows.

2 You will serve a term of 240 months imprisonment.

3 You will serve a term of 5 years Supervised Release. You will
4 not be required to pay any fines. The Court will determine and
5 impose any restitution or community service. And you will pay
6 the mandatory special assessment of \$100 at or prior to the
7 sentencing hearing.

8 Is that your understanding of the agreement you've
9 made with the Government?

10 MR. ALONZO: Yes, ma'am.

11 THE COURT: Mr. Vaides, your paragraph 4 lists the
12 (c) (1) (C) agreement in subparagraphs (a) through (e) and is as
13 follows.

14 You've agreed to a sentence of 70 months
15 imprisonment. You will pay the mandatory special assessment of
16 \$100 at or prior to the sentencing hearing.

17 The Court will determine and impose any fine,
18 community service, or term of Supervised Release. You agree to
19 identify all assets that may be forfeitable under the terms of
20 this agreement prior to sentencing. And you stipulate that
21 venue is appropriate in the Eastern District of Texas.

22 Is that your understanding of the agreement you've
23 made with the Government?

24 MR. VAIDES: Yes.

25 THE COURT: Mr. Alonzo and Mr. Vaides, do you

1 understand that the Court may decline to accept this agreement?

2 MR. ALONZO: Yes, I do.

3 MR. VAIDES: Yes.

4 THE COURT: If that happens, you'll have two options.

5 One option is to withdraw your guilty plea. Do you understand
6 that?

7 MR. ALONZO: Yes, I do.

8 MR. VAIDES: Yes.

9 THE COURT: The other option is to maintain your
10 guilty plea and be sentenced outside of this (c) (1) (C)
11 agreement. Do you understand?

12 MR. ALONZO: Yes, I do.

13 MR. VAIDES: Yes.

14 THE COURT: Each of you have a voluntary plea
15 paragraph in your plea agreement. It's paragraph 9 or 10 for
16 each of you, which states that your plea of guilty is freely
17 and voluntarily made.

18 Has anyone tried to force you or threaten you to
19 plead guilty in this case, ma'am?

20 MS. GONZALEZ: No.

21 MR. ALONZO: No, ma'am.

22 MR. VAIDES: No.

23 MR. PERALES: No.

24 MR. NUNEZ: No, Your Honor.

25 THE COURT: Other than this written plea agreement,

1 have any promises or assurances been made to you in effort to
2 get you to plead guilty?

3 MS. GONZALEZ: No.

4 MR. ALONZO: No, ma'am.

5 MR. VAIDES: No.

6 MR. PERALES: No.

7 THE COURT: Mr. Nunez?

8 MR. NUNEZ: No, Your Honor.

9 THE COURT: The next paragraph, waiver of right to
10 appeal or otherwise challenge your sentence states that you're
11 agreeing to give up your appellate rights in this case with the
12 exception of two limited circumstances.

13 One of those circumstances is your right to appeal or
14 seek collateral review for a claim of ineffective assistance of
15 counsel.

16 The other is your right to appeal any sentence that
17 exceeds the statutory maximum or for those of you who have
18 (c) (1) (C) agreements, if the Court accepts your (c) (1) (C)
19 agreement, but then fails to sentence you within the terms of
20 your agreement.

21 Are you in fact agreeing to give up your appellate
22 rights in this case with the exception of those two
23 circumstances?

24 MS. GONZALEZ: Yes.

25 MR. ALONZO: Yes, ma'am.

1 MR. VAIDES: Yes.

2 MR. PERALES: Yes.

3 MR. NUNEZ: Yes, Your Honor.

4 THE COURT: I believe that each of you have an
5 immigration status consequences paragraph in your plea
6 agreement with the exception of Mr. Alonzo.

7 Are each of you citizens of the United States?

8 MS. GONZALEZ: Me? Yes.

9 THE COURT: Okay, disregard the immigration status
10 consequences paragraph. Mr. Alonzo, you're a citizen of the
11 United States, correct?

12 MR. ALONZO: Yes, ma'am, from Texas.

13 THE COURT: All right, okay, Mr. Vaides, are you a
14 citizen of the United States?

15 MR. VAIDES: No.

16 THE COURT: Mr. Perales?

17 MR. PERALES: No, I am a naturalized American
18 citizen.

19 THE COURT: Okay, I don't think this will apply to
20 you, but I'm going to advise you of it any ways because it may
21 because of your -- the status of your citizenship.

22 So for Mr. Vaides, Mr. Perales, and Mr. Nunez, do you
23 understand that if you plead guilty in this case, after you
24 serve the sentence that is imposed, you -- if you're not a
25 citizen, you're likely to be deported.

1 Mr. Nunez, you may be deported. Do you each of you
2 understand that?

3 MR. VAIDES: Yes.

4 MR. PERALES: Yes.

5 MR. NUNEZ: Yes, Your Honor.

6 THE COURT: Do you also understand that if you plead
7 guilty in this case, you may likely not be able to become a
8 citizen of the United States?

9 MR. VAIDES: Yes.

10 MR. PERALES: Yes.

11 MR. NUNEZ: Yes, Your Honor.

12 THE COURT: For Ms. Gonzalez and Mr. Alonzo, do you
13 understand that if you plead guilty in this case, you will lose
14 certain rights that you now have as a citizen to serve on a
15 jury, to vote, and to possess a firearm?

16 MS. GONZALEZ: Yes.

17 MR. ALONZO: Yes, I do.

18 THE COURT: The changes that are made in the plea
19 agreement for Ms. Gonzalez, have those been initialed by all
20 parties?

21 MS. BROOKS: I believe so.

22 MR. HAYNES: Yes, Your Honor.

23 THE COURT: I did not see for Mr. Vaides one of the
24 terms of his (c) (1) (C) agreement is to identify all assets. Is
25 there not a forfeiture provision in his plea agreement? Just

1 want to make sure I didn't miss it because that should probably
2 in there.

3 MS. BROOKS: Your Honor, I do not believe that --

4 THE COURT: Yeah, I don't see one. Okay.

5 UNIDENTIFIED SPEAKER: Your Honor?

6 THE COURT: Yes.

7 UNIDENTIFIED SPEAKER: I'm sorry. (Indiscernible).

8 THE COURT: Yes. All right, at this time, we'll
9 review the underlying factual basis for each case.

10 Ms. Brooks, if you'll please summarize those.

11 MS. BROOKS: Yes, Your Honor. For Ms. Gonzalez, Mr.
12 Alonzo, and Mr. Nunez, each one of these Defendants that are
13 changing their pleas are the people that are identified in the
14 Second Superseding Indictments. The events described in the
15 Second Superseding Indictments occurred in the Eastern District
16 of Texas and elsewhere.

17 Particularly for Ms. Gonzalez, she and one or more
18 persons in some way or manner made an agreement to commit the
19 crime charged in the Second Superseding Indictment, that is to
20 knowingly and intentionally possess with the intent to
21 distribute a combined drug quantity of marijuana and at least 1
22 kilogram, but less than 3 kilograms of heroin.

23 For Mr. Alonzo, he and one or more persons in some
24 way or manner made an agreement to commit the crime charged in
25 the Second Superseding Indictment.

1 And that is to knowingly and intentionally possess
2 with intent to distribute a mixture or substance containing
3 heroin and cocaine.

4 And then specifically for Mr. Nunez, his factual lays
5 out that he also agreed with one or more persons to commit the
6 crime charged in the Second Superseding Indictment and to
7 specifically to possess with the intent to manufacture and
8 distribute 12 kilograms of a mixture or substance contained a
9 detectable amount of cocaine and 2 kilograms of a mixture or
10 substance containing a detectable amount of heroin.

11 Each one of them knew the unlawful purpose of the
12 agreement and joined in it with intent to further it.

13 Each one of them knew or reasonably should have known
14 the scope of the conspiracy involved the amounts that I've just
15 gone over for each of them.

16 And they -- the quantity that was distributed or
17 possessed with intent to distribute by the conspiracy occurred
18 while the Defendant was a member of the conspiracy and was
19 foreseeable to the Defendant and part of jointly undertaken
20 criminal activity.

21 For -- and specifically for Mr. Nunez, again,
22 he -- it lays out the specific amounts that he knew were
23 involved -- knew that during the term of the conspiracy, it
24 involved 12 kilograms or more of a mixture or substance
25 containing a detectable amount of cocaine and 2 kilograms and a

1 mixture or a substance containing a detectable amount of
2 heroin.

3 Again, this was involved during the conspiracy after
4 he entered it, was reasonably foreseeable to him, and part of
5 jointly undertaken activity.

6 For Mr. Perales, he pled to an Information. He is
7 the person named in that Information. The events described
8 occurred in the Eastern District of Texas and elsewhere.

9 He and one or more persons in some way or manner made
10 an agreement to commit the crime charged in the Information.
11 That is, to knowingly and intentionally possess with intent to
12 distribute a mixture or substance containing a detectable
13 amount of marijuana.

14 And you knew the unlawful purpose of the agreement
15 and joined in it with the intent to further it.

16 He knew or reasonably should have known that the
17 scope of the conspiracy involved a mixture or substance
18 containing a detectable amount of marijuana.

19 Again, this quantity was distributed or possessed
20 with intent to distribute by this conspiracy while he was a
21 member of the conspiracy, was foreseeable to him and part of
22 jointly undertaken activity.

23 Finally, for Mr. Ponce, that he is also the person
24 that is named in the indictment. And that he and one are more
25 persons in some way or manner made an agreement to commit the

1 crime charged in the indictment to manufacture and distribute 5
2 kilograms or more of a mixture or substance containing a
3 detectable amount of cocaine intending, knowing, and with
4 reasonable cause to believe that the cocaine would be
5 unlawfully imported into the United States. He knew the
6 unlawful purpose of the agreement and joined in it with the
7 intent to further it.

8 They knew the amount involved during the term of the
9 conspiracy involved at least 450 kilograms of a mixture or
10 substance containing a detectable amount of cocaine.

11 This amount was involved in the conspiracy after he
12 entered the conspiracy, was reasonably foreseeable to him, and
13 part of jointly undertaken activity.

14 Finally, he conspired with others to import,
15 manufacture, or distribute 450 kilograms or more of a mixture
16 or substance containing a detectable amount of cocaine knowing
17 that it would be unlawfully imported into the United States.

18 THE COURT: Thank you.

19 Is everything in your factual basis true and correct?

20 MS. GONZALEZ: Correct.

21 MR. ALONZO: Correct.

22 MR. VAIDES: Yes.

23 MR. PERALES: Yes.

24 MR. NUNEZ: Yes, Your Honor.

25 THE COURT: Are there any changes that you'd like to

1 make to it at this time?

2 MS. GONZALEZ: No.

3 MR. ALONZO: No, ma'am.

4 MR. VAIDES: No, ma'am.

5 MR. PERALES: No.

6 MR. NUNEZ: No, Your Honor.

7 THE COURT: All right in your own words, please
8 summarize the criminal conduct that you are pleading guilty to?

9 MS. GONZALEZ: I was responsible for distributing 1
10 kilo or under 3 kilos of heroin and marijuana.

11 THE COURT: All right, are both counsel satisfied
12 there's a factual basis to support this plea?

13 MS. BROOKS: Yes, Your Honor.

14 MR. HAYNES: Yes, Your Honor.

15 THE COURT: All right, Mr. Alonzo?

16 MR. ALONZO: I seem to have forgot of what the lady
17 excuse me what you were reading out loud at first. I
18 just -- now I just blanked out what she was actually reading
19 from.

20 THE COURT: Okay, sir.

21 MR. ALONZO: But I agree with --

22 THE COURT: Well --

23 MR. ALONZO: -- what is was though.

24 THE COURT: Okay, let me ask you a few specific
25 questions. Your factual basis states that you and others

1 distributed at least 1 kilogram, but less than 3 kilograms of a
2 mixture containing heroin and at least 5 kilograms but less
3 than 15 kilograms of a mixture containing cocaine. Is that
4 correct?

5 MR. ALONZO: Correct.

6 THE COURT: Okay, are both counsel satisfied there's
7 a factual basis to support this plea?

8 MS. BROOKS: Yes, Your Honor.

9 MS. REED: Yes, Your Honor.

10 THE COURT: All right. Mr. Vaides?

11 MR. VAIDES: I agreed with other people to distribute
12 cocaine knowing that it would be imported to the United States.

13 THE COURT: Okay and specifically did you and others
14 intend to distribute 450 kilograms or more of cocaine?

15 MR. VAIDES: Yes.

16 THE COURT: Are both counsel satisfied there's a
17 factual basis to support this plea?

18 MS. BROOKS: Yes, Your Honor.

19 UNIDENTIFIED SPEAKER: Yes, Your Honor.

20 THE COURT: All right, Mr. Perales?

21 MR. PERALES: I am guilty of an amount of marijuana.

22 THE COURT: All right, and the factual basis states
23 that your specific role in the conspiracy was to store
24 marijuana from various sources, which would be then be provided
25 to co-conspirators and distributed in the Eastern and Northern

1 Districts of Texas. Is that correct?

2 MR. PERALES: Yes.

3 THE COURT: Are both counsel satisfied there's a
4 factual basis to support this plea?

5 MS. BROOKS: Yes, Your Honor.

6 UNIDENTIFIED SPEAKER: Yes, Your Honor.

7 THE COURT: Mr. Nunez?

8 THE INTERPRETER: I'm sorry, the interpreter needs
9 repetition.

10 MR. NUNEZ: I was offered to obtain a person to
11 transport drugs.

12 THE COURT: All right, and specifically, did you and
13 others intend to distribute 12 kilograms of a mixture
14 containing cocaine and 2 kilograms of a mixture containing
15 heroin?

16 MR. NUNEZ: Yes, Your Honor.

17 THE COURT: Are both counsel satisfied there's a
18 factual basis to support this plea?

19 MS. BROOKS: Yes, Your Honor.

20 UNIDENTIFIED SPEAKER: Yes, Your Honor.

21 THE COURT: All right, Defense counsel, have each of
22 you had sufficient time to review and discuss this case with
23 your client?

24 MR. HAYNES: Yes, Your Honor.

25 MS. REED: Yes, Your Honor.

1 UNIDENTIFIED SPEAKER: Yes, Your Honor.

2 UNIDENTIFIED SPEAKER: Yes, Your Honor.

3 UNIDENTIFIED SPEAKER: Yes, Your Honor.

4 THE COURT: Do you join in your client's decision to
5 plead guilty?

6 MR. HAYNES: Yes.

7 MS. REED: Yes.

8 UNIDENTIFIED SPEAKER: Yes.

9 UNIDENTIFIED SPEAKER: Yes.

10 UNIDENTIFIED SPEAKER: Yes, Your Honor.

11 THE COURT: All right, and before I'll ask each of
12 you how you plead, but before I do that, from Ms. Gonzalez, I
13 want to make sure I don't forget.

14 For the factual basis, if this hasn't already been
15 done, counsel just needs to make those same corrections that
16 you did in the plea agreement. It says for superseding
17 indictment right now. Have they already been made?

18 THE CLERK: Here.

19 THE COURT: Yeah, I don't have the original in front
20 of me.

21 THE CLERK: Oh.

22 THE COURT: Thank you. All right, Ms. Gonzalez, as
23 to Count 1 of the Second Superseding Indictment charging a
24 violation of 21 United States Code 846, conspiracy to possess
25 with intent to distribute a mixture or substance containing

1 heroin and marijuana, how do you plead, guilty or not guilty?

2 MS. GONZALEZ: Guilty.

3 THE COURT: Mr. Alonzo, as to Count 1 of the Second
4 Superseding Indictment charging a violation of 21 United States
5 Code 846, conspiracy to possess with the intent to distribute
6 and distribution of controlled substances, how do you plead,
7 guilty or not guilty?

8 MR. ALONZO: I plead guilty.

9 THE COURT: Mr. Vaides, as to Count 1 of the
10 indictment charging a violation of 21 United States Code 963,
11 conspiracy to manufacture and distribute cocaine intending
12 knowing, and with reasonable cause to believe that the cocaine
13 will be unlawfully imported into the United States, how do you
14 plead, guilty or not guilty?

15 MR. VAIDES: I plead guilty.

16 THE COURT: Mr. Perales, as to Count 1 of the
17 Information charging a violation of 21 United States Code 846,
18 conspiracy to possess with the intent to distribute marijuana,
19 how do you plead, guilty or not guilty?

20 MR. PERALES: Guilty.

21 THE COURT: And Mr. Nunez, as to Count 1 of the
22 second superseding indictment charging a violation of 21 United
23 States Code 846, conspiracy to possess with the intent to
24 manufacture and distribute cocaine and heroin, how do you
25 plead, guilty or not guilty?

1 MR. NUNEZ: Guilty, Your Honor.

2 THE COURT: I'll accept each of your pleas of guilty.
3 The Court finds that each of you are competent to plead, you've
4 had assistance of counsel, you understand your trial rights and
5 the nature of the charges that are alleged against you. You
6 understand the statutory penalties that can be imposed in your
7 case.

8 And while the Court will refer to the Sentencing
9 Guidelines in determining your sentence, those Guidelines are
10 not binding on the Court.

11 I do find that your plea is knowing and voluntary.
12 There is a factual basis to support your plea. I will make a
13 recommendation that the district court accept your plea of
14 guilty. You do have 14 days to make an objection to that
15 recommendation.

16 Anything further as to Ms. Gonzalez, Mr. Alonzo?

17 MR. HAYNES: No, Your Honor.

18 THE COURT: Or Mr. Perales?

19 MS. REED: No, Your Honor.

20 UNIDENTIFIED SPEAKER: No, Your Honor.

21 THE COURT: All right, we'll stand adjourned as to
22 those three cases.

23 As for Mr. Nunez --

24 UNIDENTIFIED SPEAKER: Still do not have a response.

25 THE COURT: All right. Mr. Nunez, actually,

1 is -- he's got a motion to modify conditions. I guess we won't
2 release that until we even know if he's eligible.

3 Mr. Nunez, just so you understand, I don't know if
4 counsel's had an opportunity to talk with you, because you have
5 pled guilty to a mandatory detention offense, I don't have
6 discretion to allow you to remain on conditions even though I
7 do have a report from Pre-Trial Services that you have been
8 compliant with your conditions.

9 Under the statute, the Government has to state a
10 sufficient reason for the Court to allow you to be able to
11 remain on release. And because Ms. Rattan is not present,
12 we're trying to get an answer from her right now, but I think
13 we're still waiting on that.

14 So at this time, if you'll just have a seat, I'm not
15 going to make any kind of ruling on that. And depending on
16 when we hear back, I'll call you back up, okay?

17 MR. NUNEZ: Yes, Your Honor.

18 THE COURT: I think that's the only issue. Are there
19 any other issues that the Court needs to address?

20 MS. BROOKS: I don't believe so.

21 THE COURT: Everybody else is in detention? All
22 right, we'll stand adjourned.

23 (Proceedings concluded at 10:46 a.m.)

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CERTIFICATE

I, Chris Hwang, court approved transcriber, certify
that the foregoing is a correct transcript from the official
electronic sound recording of the proceedings in the above-
entitled matter.

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/s/ Chris Hwang

July 30, 2024

Chris Hwang

Date

Court Reporter